United Nations A/65/815

General Assembly

Distr.: General
11 April 2011

Original: English

Sixty-fifth session
Agenda item 112 (c)
Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Letter dated 11 April 2011 from the Permanent Representative of Costa Rica to the United Nations addressed to the President of the General Assembly

I have the honour to enclose an updated version of the human rights pledges and contributions of Costa Rica to the promotion and protection of human rights at the national and international levels (see annex).

The human rights pledges and contributions of Costa Rica were circulated to all Member States as of July 2009, when the Government announced its decision to present its candidature to the Human Rights Council for the 2011-2014 term. The elections to the Human Rights Council will be held during the sixty-fifth session of the General Assembly on 20 May 2011.

I should be grateful if you could have the present letter and its annex circulated as a document of the General Assembly.

(*Signed*) Eduardo **Ulibarri**
Ambassador
Permanent Representative

Please recycle

Annex to the letter dated 11 April 2011 from the Permanent Representative of Costa Rica to the United Nations addressed to the President of the General Assembly

[Original: English and Spanish]

Candidature of Costa Rica to the Human Rights Council

Features, record and commitments

Summary

This note complements and updates the information and commitments presented by Costa Rica to all Permanent Missions to the United Nations in May 2009, in connection with its candidature to the Human Rights Council.

In this document, we reiterate and explain the role of human rights in Costa Rica's internal and external policies. We also summarize the country's human rights record, describe the main international instruments to which the country is a party and reiterate our standing invitation to all special procedures of the United Nations as well as our commitment to effective collaboration with the human rights mechanisms.

Historical adherence to human rights principles

The promotion and defence of human rights, from an integral point of view, has been a constant element in our national life and in our international actions. Our respect for human rights is also directly linked to respect for the rule of law, democracy, equality under the law and peaceful coexistence.

Primary education for both sexes as an "obligatory, tuition-free and State-financed" right was established with the enactment of the 1869 Constitution of Costa Rica; the death penalty was abolished in 1882 and the abolition of the armed forces was constitutionally established in 1949. This historical chain of events fostered dialogue as a means for conflict resolution, resulting in a culture of peace. Costa Rica is convinced that there is a strong relationship between the culture of peace and human rights; it is therefore a tireless advocate of both causes at the national and international levels.

Thanks to the resources released from military expenditures, and despite its limited development and status as a middle-income country, Costa Rica was able to reallocate a significant amount of its fiscal income to social investment, in particular in the areas of education, health, attention to vulnerable populations and the promotion of their rights. This attention has been particularly focused on children, women, the elderly, people living in poverty, migrants, the indigenous population and other vulnerable groups.

Human rights and national institutions

Under the Political Constitution of Costa Rica, international human rights instruments become constitutional norms. Moreover, our constitutional jurisprudence recognizes these instruments as having a supra-constitutional value,

insofar as they grant wider protection and guarantees to the people. Therefore, all international human rights instruments ratified by Costa Rica are equal to or take precedence over the Constitution.

In 1993, Costa Rica established an Office of the Ombudsperson ("Defensoría de los Habitantes"). This national human rights institution, part of the legislative branch, was established as a monitoring body, but it has absolute political and operational independence. Its mandate is to ensure the protection of rights of inhabitants of the country, including immigrants.

The Office of the Ombudsperson has become a very robust instrument in the human rights institutional framework. According to the "Paris Principles" it has "A" status, which means, among other things, that it fully complies with the principles of autonomy and own initiative. There are different departments (sections) in the Office of the Ombudsperson specifically in charge of monitoring respect for the human rights of vulnerable groups.

There are other public institutions specialized in promoting the development of specific groups and ensuring their rights, such as the National Board for Childhood ("Patronato Nacional de la Infancia"), the National Institute for Women ("Instituto Nacional de las Mujeres") and the National Commission for Indigenous Affairs ("Comisión Nacional de Asuntos Indígenas"). The National Directorate of Migration ("Dirección General de Migración") also has consultation mechanisms and constant interaction with organized groups of immigrants.

In Costa Rica, the three branches of Government (legislative, executive and judiciary) are fully independent. The existence of a fourth, also fully independent, branch is a consolidated reality; this branch is the High Electoral Tribunal, which constitutes an institutional innovation in our country.

There is no political interference with the judiciary branch in Costa Rica, which constitutes the last instance for conflict resolution as well as a fully fledged autonomous system of justice. Since 1989, a separate constitutional jurisdiction established within the judiciary branch offers effective remedies related to simple and direct access, to guarantee the civil, political, economic, social and cultural rights of the population.

The existence of vigorous exercise and protection of freedom of expression, autonomous universities and a wide range of community, labour, business, professional and civil society organizations are also factors that contribute to the full enjoyment of human rights.

Given these elements, Costa Rica also has significant legal, academic and technical capacities in human rights issues, as well as an active and constructive approach and an integral vision of its promotion and respect.

Human Rights in the international context

Costa Rica is a State party to the principal international and inter-American human rights instruments.

The country was the first to sign and ratify the 1966 International Covenant on Civil and Political Rights and the 1966 International Covenant on Economic, Social and Cultural Rights. It is also a State party to the two Protocols to the International Covenant on Civil and Political Rights and, in compliance with the pledges and

commitments made in May 2009, we will sign the 2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in April of 2011.

Costa Rica is a State party to many other international instruments, including:

- International Convention on the Elimination of All Forms of Racial Discrimination, 1965
- Convention on the Elimination of All Forms of Discrimination against Women, 1979, and its Optional Protocol, 1999
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, and its Optional Protocol, 2002
- Convention on the Rights of the Child, 1989, and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, 2000
- Convention on the Rights of Persons with Disabilities, 2006, and its Optional Protocol from the same year
- International Labour Organization Conventions No. 138 (on the minimum age for admission to employment); No. 169 (on indigenous and tribal peoples); and No. 182 (concerning the prohibition and immediate action for the elimination of the worst forms of child labour).

As a founding member of the United Nations, Costa Rica became a member of the Commission on Human Rights in 1946, and its first Ambassador to the United Nations was elected Vice-Chair of the then newly created institution.

The country was also a member of the aforementioned Commission during the periods from 1964 to 1967, 1980 to 1988, 1992 to 1994 and 2001 to 2006. During its membership, the country provided leadership on important initiatives, especially in the area of human rights education. Costa Rica also supported initiatives such as the creation of the Office of the High Commissioner for Human Rights. The country became one of the main advocates for its establishment, beginning at the General Assembly of 1965 until its creation in 1995. It also advocated strongly for the adoption of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Between 2000 and 2002, Costa Rica served as a chair of the Commission on Human Rights Working Group on the Optional Protocol, which was adopted in December 2002.

Costa Rica extended a standing invitation to all special procedures of the United Nations and is committed to collaborating effectively with the human rights mechanisms.

Although Costa Rica has not yet been a member of the Human Rights Council, it has actively participated, within cross-regional groups of countries, in discussions on such topics as human rights education and the linkages among human rights, climate change and the environment.

The country has also participated actively and constructively in the human rights review process both in Geneva and New York.

During its most recent period as a non-permanent member of the Security Council (2008 and 2009), Costa Rica encouraged, among other human rights issues, the protection of civilians in armed conflict, respect for due process in the listing and delisting of individuals and entities associated with terrorism, the fight against impunity and the pursuit of international justice.

Within the inter-American human rights system, Costa Rica hosted the conference at which the American Convention on Human Rights (1969) was adopted. It was the first country to ratify it and to accept its full jurisdiction.

The headquarters of the Inter-American Court of Human Rights, the Inter-American Institute of Human Rights and the United Nations-mandated University for Peace are located in Costa Rica.

Costa Rica's conception of the Human Rights Council

Costa Rica attributes great importance to the Human Rights Council and to the United Nations human rights system. It considers these institutions essential for the development of a systemic approach to human rights and to promote better coordination among the different related entities at the United Nations.

As part of this systemic approach, Costa Rica supports the principles of universality, impartiality, objectivity, non-selectivity, non-politicization, international constructive dialogue and cooperation.

Our country believes in the importance of linking the different actors in the human rights field and in the Council's support for the development of national capabilities on human rights. These national capabilities should contribute to the development of early warnings, promote dialogue among the different actors and support countries in their efforts to improve their performance in this area.

Summarizing, Costa Rica advocates a proactive attitude regarding the promotion and protection of human rights within a systemic approach of processes.

Costa Rica's commitments and voluntary pledges

In connection with its candidature to the Human Rights Council, Costa Rica commits to the following:

At the national level:

- To continue the practice of adopting new international human rights instruments. Following up on one of our commitments, the process of signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has already started;
- To promptly achieve legislative approval of the International Convention for the Protection of all Persons from Enforced Disappearance. This Convention is well advanced in the legislative process;
- To promote even more vigorous public policies regarding gender equality and the participation of vulnerable groups, such as persons with disabilities, the elderly, people of African descent and indigenous people, at all levels of society. An example of these efforts is the issuance of a national plan against discrimination;

- To establish an inter-institutional committee on human rights that actively works on the national reports to the treaty-based bodies and to the universal periodic review mechanism. The committee will also be responsible for disseminating and monitoring the implementation of the recommendations of these bodies and of other human rights mechanisms;
- To follow through on the accepted recommendations derived from its participation in the universal periodic review mechanism, widely disseminate them and ensure their implementation.

Regarding the functioning of the Human Rights Council:

- To continue promoting constructive initiatives on such important topics as the promotion of the World Programme for Human Rights Education; education in general; conservation of the environment; and the access of all people, including the more vulnerable groups of society, to the effective exercise of their rights;
- To encourage dialogue as the best mechanism for conflict resolution and the discussion of all relevant themes. In this regard, Costa Rica considers inadvisable the non-action motions on draft resolutions;
- To support and constructively participate in the different bodies (organs, mechanisms, working groups) of the Human Rights Council, while promoting the independence of the special procedures system;
- To insist on obtaining an effective and immediate response from the human rights protection system to emergency situations, for example, through special sessions of the Human Rights Council;
- Despite its status as a middle-income country, Costa Rica will make a special effort in 2011 to contribute financial resources to show its support for important initiatives in the field of human rights.